

South Dakota Science and Technology Authority (SDSTA) Board of Directors
Special Telephonic Meeting Minutes
Friday, December 4, 2020
Lead, South Dakota

The Board of Directors of the South Dakota Science and Technology Authority (SDSTA) convened at 8:00 a.m. Mountain Time (MT) on Friday, December 4, 2020, via teleconference. The SDSTA office was operating with limited onsite personnel at the time of the board meeting due to the COVID-19 pandemic; a conference number was posted on the agenda with an invitation for members of the public to participate in the meeting by telephone.

MEMBERS OF THE BOARD IN ATTENDANCE BY TELEPHONE

Dr. Ani Aprahamian
Vice-Chairperson Dana Dykhouse
Secretary/Treasurer Patricia Lebrun
Mr. Roger Musick
Chairperson Casey Peterson
Vice-Chairperson Ron Wheeler
Dr. Robert Wilson
Dr. James Rankin, *ex-officio member*

MEMBERS OF THE BOARD ABSENT

None

SDSTA STAFF IN ATTENDANCE

Mr. Tim Engel, Legal Counsel (by phone)
Ms. Nancy Geary, Chief Financial Officer
Mr. Mike Headley, Executive Director (by phone)
Dr. Jaret Heise, Science Liaison Director (by phone)
Ms. Mandy Knight, Administrative Services Manager
Mr. Will McElroy, Operations Program Manager
Ms. Staci Miller, SURF Foundation Director (by phone)
Ms. Natasha Wheeler, Administrative Assistant

ITEM 1. CALL TO ORDER

ITEM 1A. DETERMINATION OF A QUORUM

Chair Casey Peterson called the meeting to order at 8:00 a.m. (MT). Chair Peterson declared a quorum was present, consisting of board members Dr. Ani Aprahamian, Mr. Dana Dykhouse, Ms. Pat Lebrun, Mr. Roger Musick, Chair Peterson, Mr. Ron Wheeler and Dr. Bob Wilson.

ITEM 1B. INTRODUCE GUESTS (LISTENING POST IN LEAD)

The SDSTA office was operating with limited onsite personnel at the time of the board meeting due to the COVID-19 pandemic. Chair Peterson asked participants to identify themselves. Ms. Mandy Knight, Mr. Will McElroy and Ms. Nancy Geary were present at the listening post in Lead. Mr. Tim Engel, Mr. Mike Headley, Dr. Jaret Heise, Ms. Staci Miller, Ms. Natasha Wheeler and Mr. Alex Portal with the Black Hills Pioneer joined by phone.

ITEM 1C. PUBLIC COMMENT FORMS

Chair Peterson said no public comment forms were submitted before the meeting. He said if anyone on the phone had a public comment, they could address the board during the correlating item on the agenda.

Dr. Ani Aprahamian joined the meeting by phone at 8:01 a.m.

ITEM 2. APPROVE AGENDA

Chair Peterson asked for a motion to approve the agenda.

Motion by Mr. Wheeler and seconded by Mr. Dykhouse to approve the agenda as presented. By roll call vote, the motion passed unanimously.

ITEM 3. GENERAL CONFLICT OF INTEREST DISCLOSURE

Mr. Engel asked any member of the board who felt they had any conflict of interest relating to anything on today's agenda to disclose it verbally.

No conflicts of interest were disclosed.

ITEM 4. APPROVAL OF AMENDMENT No. 3 OF THE LAND LEASE BETWEEN THE SDSTA AND DOE

Mr. Headley said a lease between SDSTA and the Department of Energy (DOE) was put in place in early 2016 to facilitate the construction of the Long-Baseline Neutrino Facility (LBNF) and Deep Underground Neutrino Experiment (DUNE). He said the lease has been amended twice previously to adjust for spaces included in the agreement. The proposed amendment allows for additional space, located near Governor's Corner on the 4850-foot level, to be used by the excavation contractor to maintain their equipment. He said attachments, included with the amendment and included in the board packet, show the space of approximately 9,360 square feet to be added to the lease. Mr. Headley noted the DUNE experiment will also be utilizing the space during the same time period to support underground experiment assembly.

Motion by Mr. Wheeler and seconded by Mr. Musick to approve Amendment No. 3 of the Land Lease between the South Dakota Science and Technology Authority and the United States Department of Energy and authorize the chairperson to sign the amendment. By roll call vote, the motion passed unanimously.

ITEM 5. APPROVAL OF LAND USE AGREEMENTS

Mr. Engel said the conveyor crosses SDSTA, City of Lead and Homestake Mining Company (Homestake) property. He said SDSTA obtained easements to cross the City of Lead and Homestake property, and to use the Open Cut for rock disposal. Mr. Engel said after discussions with FRA, it was decided to assign SDSTA's rights under the easements by way of land use agreements. The land use agreements allow FRA's construction contractors access to the easements for construction of LBNF. He said similar agreements also exist to allow Kiewit Alberici Joint Venture (KAJV) to utilize SDSTA easements and those agreements will remain in place.

Mr. Engel explained the new land use agreements extend those SDSTA easement rights to Thyssen Mining to access and operate the conveyor and deposit excavated rock in the Open Cut. He said the City of Lead and Homestake are expected to approve the agreement soon.

Mr. Engel said the Thyssen Mining land use agreements are similar to the agreements between SDSTA and KAJV, with the exception that the Thyssen Mining agreements recognize the completed conveyor, which was not in place at the time of signing the KAJV agreement. The agreement specifies that

Thyssen Mining is only responsible for removing the conveyor if a contract change order is established between that company and FRA for that action.

Mr. Headley said the City of Lead is expected to approve agreement related to the City's easement to the SDSTA at the next Lead City Commission Meeting to be held on Monday, December 7.

Motion by Mr. Wheeler and seconded by Ms. Lebrun to approve the Land Use Agreements involving property owned by Homestake Mining Company, the City of Lead and SDSTA as presented and authorize the chairperson to sign the agreements. By roll call vote, the motion passed unanimously.

ITEM 6. PUBLIC COMMENTS

There were no public comment forms submitted at the beginning of the meeting. Chair Peterson asked if there were any other public comments and there were none.

ITEM 7. BOARD COMMENTS

Chair Peterson asked if there were any questions or comments from the board. Ms. Lebrun said she is happy about continued progress, Mr. Wheeler said he looks forward to talking to everyone at the upcoming December 17 board meeting, and Chair Peterson offered his thanks to counsel, staff and board members. He also reminded everyone the next board meeting is scheduled for December 17, 2020.

ITEM 7. ADJOURN

Chairperson Peterson asked for a motion to adjourn.

Motion by Dr. Wilson and seconded by Dr. Aprahamian to adjourn. By roll call vote, the motion passed unanimously.

Meeting adjourned at 8:13 a.m. (MT) on December 4, 2020.